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1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,
4 Plaintiff,
5 -against-
6 CHRIS BANTIS,
7 Defendant.

21-CR-483(ENV)
United States Courthouse
Brooklyn, New York
November 23, 2022
11:50 a.m.

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9 TRANSCRIPT OF CRIMINAL CAUSE FOR TRIAL
10 BEFORE THE HONORABLE ERIC N. VITALIANO
11 UNITED STATES SENIOR DISTRICT JUDGE
BEFORE A JURY

12 APPEARANCES

13 For the Government: UNITED STATES ATTORNEY'S OFFICE
Eastern District of New York
14 271 Cadman Plaza East
Brooklyn, New York 11201
15 BY: LINDSEY OKEN, ESQ.
TARA BRIGIT McGRATH, ESQ.
16 JENNIFER M. SASSO, ESQ.
Assistant United States Attorneys

17 For the Defendant: FEDERAL DEFENDERS OF NEW YORK
18 One Pierrepont Plaza
Brooklyn, New York 11201
19 BY: NORA K. HIROZAWA, ESQ.
MARISSA SHERMAN, ESQ.

20 Also Present: EMILY MOOSHER, PARALEGAL
21 CAROLINE KISSICK, PARALEGAL
PAUL TAMBRINO, AGENT

22 Court Reporter: LINDA D. DANELCZYK, RPR, CSR, CCR
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25 Proceedings recorded by mechanical stenography. Transcript
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LINDA D. DANELCZYK, RPR, CSR, CCR
Official Court Reporter

PROCEEDINGS

1011

1 (In open court; Jury not present.)

2 THE COURTROOM DEPUTY: All rise.

3 (Defendant enters the courtroom.)

4 THE COURTROOM DEPUTY: Court is now open.

5 The Honorable Eric N. Vitaliano presiding.

6 Case on calendar is U.S.A. versus Chris Bantis.

7 Case Number 21-CR-483, on for jury trial.

8 Would the attorneys please note their appearance,
9 beginning with government counsel.

10 MS. OKEN: Good afternoon, Your Honor. Lindsey
11 Oken, Tara McGrath and Jennifer Sasso on behalf of the United
12 States. And we're joined by paralegal specialist Emily
13 Moosher and FBI Special Agent Paul Tambrino.

14 THE COURT: Good afternoon and welcome.

15 MS. HIROZAWA: Good afternoon, Your Honor. Nora
16 Hirozawa, Marissa Sherman, Federal Defenders, on behalf of
17 Chris Bantis, who is present with us at counsel table.

18 THE COURT: And welcome to all the defense table as
19 well.

20 Everybody be seated.

21 We have a note, which the clerk will mark and read.

22 (Court Exhibit 11, was received in evidence.)

23 THE COURTROOM DEPUTY: This is Court's Exhibit 11.

24 Note from the jury:

25 The jurors have deliberated fervently with each

PROCEEDINGS

1012

1 other - listening, discussing, and clarifying our viewpoints,
2 the evidence, and the testimony as presented to us. We have
3 argued and tried to convince each other, scrutinizing evidence
4 extensively over the past few days. We considered different
5 angles of videos and images, created timelines and charts to
6 visualize the events. As a result, we have revisited the
7 evidence in its entirety multiple times.

8 We cannot compromise our conviction and this means
9 we cannot genuinely and honestly reach a unanimous verdict.
10 Further deliberations would not change our opinions and
11 thoughts.

12 Foreperson: Juror Number 3.

13 THE COURT: Counsel.

14 MS. HIROZAWA: Your Honor, at this time the defense
15 would move for a mistrial.

16 THE COURT: You had that on automatic pilot, but we
17 appreciate the motion.

18 Ms. Oken, do you wish to be heard?

19 MS. OKEN: Your Honor, I think we acknowledge the
20 Court's view on this and the defense's view on this. I think
21 we would say nothing more but to reiterate the points that we
22 made yesterday regarding possible additional proposals, but we
23 certainly recognize where the Court and the defense stand on
24 this.

25 THE COURT: You do so correctly.

PROCEEDINGS

1013

1 We're going to bring them in and discharge them.
2 And we'll also, as I indicated, I'll ask them, I don't know
3 how many we can get to stay so counsel can have an opportunity
4 to discuss the case with them and how they ended up where they
5 ended up.

6 There is the pending matters of the Rule 29 motion.

7 Ms. Oken, I don't know if you -- Ms. Hirozawa has
8 sent a writing, I didn't know if you wanted to send me a
9 writing or not, otherwise we will proceed and consider the
10 motion.

11 MS. OKEN: Yes, Your Honor. I do think the
12 government intends to address the motion in writing, and we're
13 happy to do that on the timeline that makes the most sense for
14 the Court. Understood, Your Honor.

15 THE COURT: So I know it's Thanksgiving, so some
16 time next week, and then we will consider the written
17 submissions in addition to the oral argument and then enter an
18 appropriate order.

19 MS. OKEN: Thank you, Your Honor.

20 THE COURT: With that, we will bring in our jury and
21 thank them.

22 So it's clear, obviously, the Court has granted the
23 defense's motion for a mistrial.

24 (Jury enters the courtroom.)

25 THE COURT: Please be seated.

PROCEEDINGS

1014

1 Counsel will stipulate that the jury is present and
2 properly seated.

3 MS. OKEN: We do, Your Honor.

4 MS. HIROZAWA: So stipulated.

5 THE COURT: Thank you, counsel.

6 Ladies and gentlemen, welcome back. We have
7 received your well thought out and well expressed note and
8 understand it. And what you have provided us all on this eve
9 of Thanksgiving is another reason why as Americans we should
10 be thankful that we can have jurors who have paid attention to
11 detail and to their duties, very closely to follow the law,
12 the charge the Court gave you, have been diligently wavering
13 in the vineyards the last few days, and you've given us some
14 insight in your note to the steps that you've all taken and
15 tried to arrive at a verdict and indicated to us that you
16 can't do that in good conscious, which is exactly what you
17 were instructed to tell us if that were the case, and that's
18 what it is.

19 I think you all may appreciate, you members of the
20 jury, may appreciate better today what I said to you on the
21 very first day that we gathered with you. And as I said, that
22 other than put on a uniform and defending your country in the
23 time of war, there is no more difficult or greater active of
24 citizenship and patriotism that a juror can -- a citizen can
25 perform then by putting aside his or her own personal life and

PROCEEDINGS

1015

1 come to court and participate in guaranteeing the rule of law.
2 And that's exactly what each and every one of you has done,
3 and we are appreciative of that.

4 All of the rules that I have been giving you, of
5 course, no longer apply. You can do as much homework as you
6 like. You can get back on social media and tell the world
7 what you've been doing.

8 Obviously, for those of us on this side of the jury
9 box, we have the case that still is pending, and so that there
10 is one act of service that I'm going to ask of you, and,
11 again, you're certainly not required to do this, but if the
12 jurors who are willing to remain around in the jury
13 deliberation room a bit longer, I know that counsel on both
14 sides, and our dear friend Scott Woods, would like to come
15 back and listen to you and ask, make inquiries.

16 It's helpful to them for a couple of reasons. To
17 evaluate their positions and their cases, what they might do
18 the same or differently the next time we gather with the jury
19 on this case so that could be -- that could be helpful, and
20 perhaps based on the information you give them and based on
21 their own understanding, respective understandings of the
22 case, it may impact the way the next trial is conducted.

23 But we, again, are extremely grateful for your
24 service and understand the sacrifices that you made. We are
25 discharging you subject to the further act of service, and we

PROCEEDINGS

1016

1 wish each and every one of your and your families a very happy
2 Thanksgiving and good holiday season, and you certainly go
3 with our appreciation, gratitude and respect.

4 So thank you very much, and enjoy the balance of the
5 day and a spectacular day tomorrow.

6 (Jury exits the courtroom.)

7 THE COURT: Is there anything further we need to do
8 before I let you go back to the jury room?

9 MS. OKEN: Not from the government. Thank you, Your
10 Honor.

11 THE COURT: Ms. Hirozawa?

12 MS. HIROZAWA: Your Honor, we understand that the
13 government may need some time to reassess their position on
14 the case moving forward. We would just like to note that in
15 light of the fact that Mr. Bantis obviously is in custody, if
16 the government is seeking to retry the case, we would request
17 the earliest available trial date.

18 THE COURT: Yes, we understand that, and we can all
19 gather after I have decided the Rule 29 motion.

20 MS. HIROZAWA: Thank you, that works, Your Honor.

21 THE COURT: Maybe there won't be a trial date.

22 MS. HIROZAWA: Certainly we do not want to set a new
23 trial date prior to the Court's ruling on the Rule 29.

24 THE COURT: I didn't think so. So we'll take up
25 your motion.

PROCEEDINGS

1017

1 But other than that -- and, Mr. Bantis, we certainly
2 wish you a happy Thanksgiving as well, and all counsel.

3 So we will adjourn this matter and allow counsel and
4 Mr. Woods --

5 THE DEFENDANT: Happy Thanksgiving, Your Honor.

6 THE COURT: Thank you. I appreciate that.

7 And allow Mr. Woods to go back and hopefully we'll
8 find a few jurors there.

9 So have a good Thanksgiving everybody.

10 MS. OKEN: Thank you, Your Honor.

11 MS. HIROZAWA: Thank you, Your Honor.

12 THE COURT: You're welcome.

13 We are adjourned.

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15 (Whereupon, the matter was concluded.)

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19 COURT PAGE

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